

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

SPINIELLO COMPANIES,)
)
 Plaintiff,)
)
v.) CIVIL ACTION NO. 04-11933-NMG
)
BRICO INDUSTRIES, INC.,)
)
 Defendant.)

CERTIFICATION

The undersigned hereby certifies that, pursuant to Local Rule 16.1(D)(3), Spiniello Companies and its undersigned counsel have conferred with a view to establishing a budget for the costs of conducting the full course, as well as various alternative courses, of this litigation. In addition, Spiniello Companies has conferred with its undersigned counsel to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4 - mini-trial; summary jury trial; and mediation.

Doug Sanders
Authorized Representative of
Spiniello Companies
PRESIDENT

Jeremy Blackowicz
DATED: December 7, 2004

CEW

Charles E. Schaub, Jr. (BBO #444920)
Jeremy Blackowicz (BBO #650945)
Hinckley, Allen & Snyder, LLP
28 State Street
Boston, MA 02109
(617)345-9000